

Subject

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OGC HAS REVIEWED.

Chief, PPC

15 January 1953

Office of the General Counsel

Appointment with Central Intelligence Agency

1. Reference is made to our recent conversation concerning your proposed appointment with the Central Intelligence Agency in a civilian capacity. The purpose of this memorandum is to confirm our mutual understanding and to indicate insofar as possible the procedural aspects of your appointment.

2. The dual compensation laws prohibit the holding of additional offices, but provide for an exception in the case of retired officers of the Army who have been retired for "incapacity incurred in the line of duty." (5 USCA 62). It is most probable that your retirement orders will reflect a 30-40% disability as an "incident of service." Army J.A.C. considers this and similar phraseology to mean the same as "incurred in the line of duty." It is therefore my opinion that you can be appointed to a civilian position with this Agency without violating the provisions of the aforesaid statute. The consequence of this is that your appointment is not chargeable against the allotment authorized to this Army under Public Law 53—82nd Congress.

3. Inasmuch as 5 USCA 59(a) is applicable in your case, you are entitled to the pay of the civilian office or position, or the retired pay, whichever you may elect. It is understood that your retirement will not be such as to bring you within the excepted provisions of 5 USCA 59(b) which would authorize a retention of the retirement pay.

4. I have discussed the procedural aspects of your appointment with the Personnel Director and particularly [REDACTED] (extension 611). I have suggested that [REDACTED] approach you at your convenience in order to fully acquaint you with the details of the personnel procedures. Basically, you may anticipate a processing based on the following considerations:

(a) Signing of the oath of office on or about 1 February 1953 and other EOD forms, e.g., residence statement, withholding statements for tax purposes, etc.

(b) Correspondence with Army Finance will be affected through established liaison channels of the Personnel Director. In cases of overt assignment,

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regular unclassified notices are forwarded to Army Finance which automatically stop further retirement

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(c) At the time of your entrance on duty or prior thereto, it would be desirable to furnish the Personnel Director with two copies of your retirement orders, duly certified.

(d) Upon leaving military service, it is routine procedure that information concerning your retirement and your whereabouts appear in the various military journals, bulletins, etc. The Personnel Director has established principles and procedures in these matters, particularly where covert or semi-covert assignments are concerned, and I have suggested that [redacted] personally advise you.

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5. If I can be of any further assistance to you in this matter, please do not hesitate to call upon me.

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Assistant General Counsel

JBK:snm

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Handcarried by Jm on January 15